

**Elhady Plaintiffs
MSJ Exhibit 86**


UNCLASSIFIED

the Defendants commemorate certain information that defense counsel had relayed to Plaintiffs' counsel on behalf of CJIS staff. This declaration is a further supplement to CJIS's March 1, 2019 supplemental interrogatory response, and is intended to address a question posed by Plaintiffs' counsel regarding a particular private entity with the ability to run NCIC queries, and—as defense counsel advised Plaintiffs' counsel—which CJIS was still in the process of reviewing when the March 1 supplemental response was executed.

4. Subsequent to the execution of the March 1 supplemental response, the entity in question was identified as the police department of a private high school. The Originating Agency Identifier (“ORI”) for that police department had previously been mistakenly assigned as an ORI that would be issued to a college or university police department. That police department had demonstrated to the FBI that it would perform the administration of criminal justice, have arrest powers pursuant to a state statute, and allocate more than fifty percent of its annual budget to the administration of criminal justice as defined by the Department of Justice Regulations on Criminal Justice Information Systems (28 C.F.R., Part 20, Subpart A). In addition, it had demonstrated to the FBI that it met all training requirements established by state law or ordinance for law enforcement officers. The ORI, as all ORIs, was to be used for criminal justice purposes only. CJIS retired that ORI on March 19, 2019, and as a result that police department no longer has access to the NCIC. CJIS has also confirmed that the police department never used the ORI to submit even a single NCIC query.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of March 2019.



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